

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 178 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 16-36-1.5-2 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. As used in this
- 5 chapter, "mental health provider" means any of the following:
- 6 (1) A registered nurse or licensed practical nurse licensed under
- 7 IC 25-23.
- 8 (2) A clinical social worker licensed under IC 25-23.6-5.
- 9 (3) A marriage and family therapist licensed under IC 25-23.6-8.
- 10 (4) A psychologist licensed under IC 25-33.
- 11 (5) A school psychologist licensed by the Indiana state board of
- 12 education.
- 13 (6) **A clinical alcohol and drug abuse counselor licensed under**
- 14 **IC 25-23.6-12.**
- 15 (7) An individual who claims to be a mental health provider.
- 16 SECTION 2. IC 25-1-2-6, AS AMENDED BY P.L.24-1999,
- 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JANUARY 1, 2001]: Sec. 6. (a) As used in this section, "license"
- 19 includes all occupational and professional licenses, registrations,
- 20 permits, and certificates issued under the Indiana Code, and "licensee"
- 21 includes all occupational and professional licensees, registrants,
- 22 permittees, and certificate holders regulated under the Indiana Code.
- 23 (b) This section applies to the following entities that regulate
- 24 occupations or professions under the Indiana Code:

- 1 (1) Indiana board of accountancy.
- 2 (2) Indiana grain buyers and warehouse licensing agency.
- 3 (3) Indiana auctioneer commission.
- 4 (4) Board of registration for architects.
- 5 (5) State board of barber examiners.
- 6 (6) State board of cosmetology examiners.
- 7 (7) Medical licensing board of Indiana.
- 8 (8) Secretary of state.
- 9 (9) State board of dentistry.
- 10 (10) State board of funeral and cemetery service.
- 11 (11) Worker's compensation board of Indiana.
- 12 (12) Indiana state board of health facility administrators.
- 13 (13) Committee of hearing aid dealer examiners.
- 14 (14) Indiana state board of nursing.
- 15 (15) Indiana optometry board.
- 16 (16) Indiana board of pharmacy.
- 17 (17) Indiana plumbing commission.
- 18 (18) Board of podiatric medicine.
- 19 (19) Private detectives licensing board.
- 20 (20) State board of registration for professional engineers.
- 21 (21) Board of environmental health specialists.
- 22 (22) State psychology board.
- 23 (23) Indiana real estate commission.
- 24 (24) Speech-language pathology and audiology board.
- 25 (25) Department of natural resources.
- 26 (26) State boxing commission.
- 27 (27) Board of chiropractic examiners.
- 28 (28) Mining board.
- 29 (29) Indiana board of veterinary medical examiners.
- 30 (30) State department of health.
- 31 (31) Indiana physical therapy committee.
- 32 (32) Respiratory care committee.
- 33 (33) Occupational therapy committee.
- 34 (34) Social worker, marriage and family therapist, ~~and~~ mental
- 35 health counselor, **and alcohol and drug abuse counselor** board.
- 36 (35) Real estate appraiser licensure and certification board.
- 37 (36) State board of registration for land surveyors.
- 38 (37) Physician assistant committee.
- 39 (38) Indiana dietitians certification board.
- 40 (39) Indiana hypnotist committee.
- 41 (40) Any other occupational or professional agency created after
- 42 June 30, 1981.
- 43 (c) Notwithstanding any other law, the entities included in
- 44 subsection (b) shall send a notice of the upcoming expiration of a
- 45 license to each licensee at least sixty (60) days prior to the expiration
- 46 of the license. The notice must inform the licensee of the need to renew

and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 3. IC 25-1-5-3, AS AMENDED BY P.L.24-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. (a) There is established the health professions bureau. The bureau shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Controlled substances advisory committee (IC 35-48-2-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20).
- (15) Indiana physical therapy committee (IC 25-27).
- (16) Respiratory care committee (IC 25-34.5).
- (17) Occupational therapy committee (IC 25-23.5).
- (18) Social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board (IC 25-23.6).
- (19) Physician assistant committee (IC 25-27.5).
- (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- (22) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) Nothing in this chapter may be construed to give the bureau policy making authority, which authority remains with each board.

SECTION 4. IC 25-1-7-1, AS AMENDED BY P.L.24-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer

- 1 protection.
- 2 "Division" refers to the division of consumer protection, office of
- 3 the attorney general.
- 4 "Licensee" means a person who is:
- 5 (1) licensed, certified, or registered by a board listed in this
- 6 section; and
- 7 (2) the subject of a complaint filed with the division.
- 8 "Person" means an individual, a partnership, a limited liability
- 9 company, or a corporation.
- 10 "Regulated occupation" means an occupation in which a person is
- 11 licensed, certified, or registered by one (1) of the following:
- 12 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 13 (2) Board of registration for architects (IC 25-4-1-2).
- 14 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 15 (4) State board of barber examiners (IC 25-7-5-1).
- 16 (5) State boxing commission (IC 25-9-1).
- 17 (6) Board of chiropractic examiners (IC 25-10-1).
- 18 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 19 (8) State board of dentistry (IC 25-14-1).
- 20 (9) State board of funeral and cemetery service (IC 25-15-9).
- 21 (10) State board of registration for professional engineers
- 22 (IC 25-31-1-3).
- 23 (11) Indiana state board of health facility administrators
- 24 (IC 25-19-1).
- 25 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 26 (13) Indiana state board of nursing (IC 25-23-1).
- 27 (14) Indiana optometry board (IC 25-24).
- 28 (15) Indiana board of pharmacy (IC 25-26).
- 29 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 30 (17) Board of podiatric medicine (IC 25-29-2-1).
- 31 (18) Board of environmental health specialists (IC 25-32-1).
- 32 (19) State psychology board (IC 25-33).
- 33 (20) Speech-language pathology and audiology board
- 34 (IC 25-35.6-2).
- 35 (21) Indiana real estate commission (IC 25-34.1-2).
- 36 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 37 (23) Department of natural resources for purposes of licensing
- 38 water well drillers under IC 25-39-3.
- 39 (24) Respiratory care committee (IC 25-34.5).
- 40 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 41 (26) Occupational therapy committee (IC 25-23.5).
- 42 (27) Social worker, marriage and family therapist, ~~and~~ mental
- 43 health counselor, **and alcohol and drug abuse counselor** board
- 44 (IC 25-23.6).
- 45 (28) Real estate appraiser licensure and certification board
- 46 (IC 25-34.1-8).

(29) State board of registration for land surveyors (IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-8-1, AS AMENDED BY P.L.24-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Mining board (IC 22-10-1.5-2).

(14) Indiana state board of nursing (IC 25-23-1).

(15) Indiana optometry board (IC 25-24).

(16) Indiana board of pharmacy (IC 25-26).

(17) Indiana plumbing commission (IC 25-28.5-1-3).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board (IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2-1).

(22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).

(23) Department of insurance (IC 27-1).

(24) State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under IC 25-30-2.

(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(26) Private detectives licensing board (IC 25-30-1-5.1).

(27) Occupational therapy committee (IC 25-23.5-2-1).

(28) Social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board (IC 25-23.6-2-1).

(29) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(30) State board of registration for land surveyors (IC 25-21.5-2-1).

(31) Physician assistant committee (IC 25-27.5).

(32) Indiana athletic trainers board (IC 25-5.1-2-1).

(33) Board of podiatric medicine (IC 25-29-2-1).

(34) Indiana dietitians certification board (IC 25-14.5-2-1).

(35) Indiana physical therapy committee (IC 25-27).

(36) Any other occupational or professional agency created after June 30, 1981.

SECTION 6. IC 25-1-9-1, AS AMENDED BY P.L.24-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Board of chiropractic examiners (IC 25-10-1).

(2) State board of dentistry (IC 25-14-1).

(3) Indiana state board of health facility administrators (IC 25-19-1).

(4) Medical licensing board of Indiana (IC 25-22.5-2).

(5) Indiana state board of nursing (IC 25-23-1).

(6) Indiana optometry board (IC 25-24).

(7) Indiana board of pharmacy (IC 25-26).

(8) Board of podiatric medicine (IC 25-29-2-1).

(9) Board of environmental health specialists (IC 25-32).

(10) Speech-language pathology and audiology board (IC 25-35.6-2).

(11) State psychology board (IC 25-33).

(12) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(13) Indiana physical therapy committee (IC 25-27-1).

(14) Respiratory care committee (IC 25-34.5).

(15) Occupational therapy committee (IC 25-23.5).

(16) Social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board (IC 25-23.6).

(17) Physician assistant committee (IC 25-27.5).

(18) Indiana athletic trainers board (IC 25-5.1-2-1).

(19) Indiana dietitians certification board (IC 25-14.5-2-1).

(20) Indiana hypnotist committee (IC 25-20.5-1-7).

SECTION 7. IC 25-1-9-4, AS AMENDED BY P.L.22-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by

the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds **that a practitioner has done any of the following:**

(1) ~~a~~ **The** practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice;

(B) engaged in fraud or material deception in the course of professional services or activities; or

(C) advertised services in a false or misleading manner.

(2) ~~a practitioner has~~ Been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently.

(3) ~~a practitioner has~~ Knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;

(4) ~~a practitioner has~~ Continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence that:

(i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and

(ii) does not include activities performed under IC 16-21-2-9;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely.

(5) ~~a practitioner has~~ Engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public.

(6) ~~a practitioner has~~ Allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence.

(7) ~~a practitioner has~~ Had disciplinary action taken against the practitioner or the practitioner's license to practice in any other state or jurisdiction on grounds similar to those under this chapter.

(8) ~~a practitioner has~~ Diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3);

for another person;

(9) ~~a practitioner;~~ Except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified

as a narcotic, addicting, or dangerous drug to a habitue or addict.
or

(10) ~~a practitioner has~~ Failed to comply with an order imposing a sanction under section 9 of this chapter.

(11) Engaged in sexual contact with a patient under the practitioner's care or used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care.

(b) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).".

Page 3, between lines 35 and 36, begin a new paragraph and insert:
"SECTION 12. IC 25-23.6-1-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: **Sec. 1.2. "Alcohol and drug abuse counseling services"** means evaluating, treating, or giving advice to either of the following on a fee-for-services, prepaid, or other compensatory basis:

(1) An individual with an alcohol or drug abuse problem.

(2) An individual who seeks:

(A) instruction on behavior modification; or

(B) advice concerning problems of daily living;

as a result of the individual's alcohol abuse or drug abuse, or both.

SECTION 13. IC 25-23.6-1-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: **Sec. 1.3. "Alcohol and drug abuse counselor"** means an individual engaged in the practice of alcohol and drug abuse counseling.

SECTION 14. IC 25-23.6-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. "Board" refers to the social worker, marriage and family therapist, ~~and~~ mental health counselor, and **alcohol and drug abuse counselor** board.

SECTION 15. IC 25-23.6-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: **Sec. 3.5. (a) "Core functions of alcohol and drug abuse counseling"** refers to the following functions performed by alcohol and drug abuse counselors in rendering services to abusers of alcohol and drugs:

(1) Screening.

(2) Intake.

(3) Orientation.

(4) Assessment.

(5) Treatment planning.

(6) Counseling.

(7) Case management.

(8) Crisis intervention.

1 **(9) Client education.**

2 **(10) Referral.**

3 **(11) Report and record keeping.**

4 **(12) Consultation with other professionals.**

5 **(b) The terms set forth in subsection (a) have the following**
 6 **meanings:**

7 **(1) "Screening" means the process by which a client is**
 8 **determined appropriate and eligible for admission to a**
 9 **particular treatment program.**

10 **(2) "Intake" means the administrative and initial assessment**
 11 **procedures involved in a client's admission to a treatment**
 12 **program.**

13 **(3) "Orientation" means providing the following information**
 14 **to a client:**

15 **(A) The general nature and goals of the treatment**
 16 **program.**

17 **(B) Rules governing client conduct and infractions that can**
 18 **lead to disciplinary action or discharge from the treatment**
 19 **program.**

20 **(C) In a nonresidential treatment program, the hours**
 21 **during which services are available.**

22 **(D) Treatment costs that the client must bear, if any.**

23 **(E) The client's rights.**

24 **(4) "Assessment" means the procedure by which a counselor**
 25 **or treatment program, during the development of a treatment**
 26 **plan, identifies and evaluates a client's strengths, weaknesses,**
 27 **problems, and needs.**

28 **(5) "Treatment planning" means the process by which a**
 29 **counselor and a client:**

30 **(A) identify and rank problems needing resolution;**

31 **(B) establish and agree upon immediate and long term**
 32 **goals; and**

33 **(C) decide upon a treatment process and the resources to**
 34 **be used.**

35 **(6) "Counseling" means evaluating, treating, or giving advice**
 36 **to a client:**

37 **(A) with an alcohol or drug abuse problem; or**

38 **(B) who seeks:**

39 **(i) instruction on behavior modification; or**

40 **(ii) advice concerning problems of daily living;**

41 **as a result of the client's alcohol abuse or drug abuse, or**
 42 **both.**

43 **(7) "Case management" means activities that bring services,**
 44 **agencies, resources, or people together within a planned**
 45 **framework of action toward the achievement of established**
 46 **goals. The term includes liaison activities and collateral**
 47 **contacts.**

(8) "Crisis intervention" means services that respond to the needs of a client who is abusing alcohol or drugs, or both, when the client is under acute emotional distress or physical distress, or both.

(9) "Client education" means providing information to individual clients and groups of clients concerning:

(A) the abuse of alcohol or drugs, or both; and

(B) the services and resources available to assist the clients.

(10) "Referral" means:

(A) identifying the needs of a client that cannot be met by a counselor or an agency; and

(B) assisting the client in using the available support systems and community resources.

(11) "Report and record keeping" means:

(A) charting the results of a client's assessment and treatment plan; and

(B) writing reports, progress notes, discharge summaries, and other client related data.

(12) "Consultation with other professionals" means relating with in-house staff or outside professionals to assure comprehensive, quality care for a client.

SECTION 16. IC 25-23.6-1-3.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3.8. Except as provided in IC 25-23.6-7-5, as used in this chapter, "counselor" refers to a social worker, clinical social worker, **clinical alcohol and drug abuse counselor**, marriage and family therapist, or a mental health counselor who is licensed under this article.

SECTION 17. IC 25-23.6-1-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4.4. "**Licensed clinical alcohol and drug abuse counselor**" means an individual engaged in the unlimited practice of alcohol and drug abuse counseling.

SECTION 18. IC 25-23.6-1-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 5.7. (a) "**Practice of alcohol and drug abuse counseling**" means professional services that are designed to assist an abuser of alcohol or drugs, or both, in gaining an understanding of the nature of the abuser's disorder and in leading a responsible lifestyle free from alcohol and drug abuse.

(b) The term includes planning, administering, and performing research for community alcohol and drug abuse services delivery systems. The term also includes the following:

(1) Using the core functions of alcohol and drug abuse counseling.

(2) Providing alcohol and drug abuse counseling to family members to help them gain an understanding of the nature of alcohol and drug abuse.

1 **(3) Making referrals to other qualified professionals when**
 2 **appropriate.**

3 **(c) The term does not include the performance of psychotherapy**
 4 **or the rendering of diagnoses (as defined in IC 25-22.5-1-1(c)).**

5 SECTION 19. IC 25-23.6-1-9 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9.
 7 "Psychotherapy" means the assessing and treating of mental and
 8 emotional disorders by any of the various means of communication
 9 between the social worker practitioner **or the alcohol and drug abuse**
 10 **counselor** and the client.

11 SECTION 20. IC 25-23.6-2-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. The social
 13 worker, marriage and family therapist, ~~and~~ mental health counselor,
 14 **and alcohol and drug abuse counselor** board is established.

15 SECTION 21. IC 25-23.6-2-2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. (a) The board
 17 consists of ~~nine (9)~~ **eleven (11)** members appointed by the governor for
 18 terms of three (3) years. The board must include the following:

19 (1) Two (2) marriage and family therapists who:

20 (A) have at least a master's degree in marriage and family
 21 therapy or a related field from an institution of higher learning;

22 (B) are licensed under this chapter; and

23 (C) have five (5) years of experience in marriage and family
 24 therapy.

25 (2) One (1) social worker who:

26 (A) has at least a master's degree in social work from an
 27 institution of higher education accredited by the Council on
 28 Social Work Education;

29 (B) is licensed under this article; and

30 (C) has at least five (5) years of experience as a social worker.

31 (3) One (1) social services director of a hospital with a social
 32 work degree who has at least three (3) years of experience in a
 33 hospital setting.

34 (4) Two (2) mental health counselors who:

35 (A) have at least a master's degree in mental health
 36 counseling;

37 (B) are licensed under this article; and

38 (C) have at least five (5) years experience as a mental health
 39 counselor.

40 (5) Two (2) consumers who have never been credentialed under
 41 this article.

42 (6) One (1) physician licensed under IC 25-22.5 who has training
 43 in psychiatric medicine.

44 **(7) Two (2) clinical alcohol and drug abuse counselors who:**

45 **(A) are licensed under this article; and**

46 **(B) have at least five (5) years experience as clinical alcohol**

1 **and drug abuse counselors.**

2 (b) Not more than ~~five (5)~~ **six (6)** members of the board may be
3 from the same political party.

4 SECTION 22. IC 25-23.6-2-8 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 8. (a) The board
6 shall adopt rules under IC 4-22-2 establishing standards for the
7 following:

8 (1) The competent practice of marriage and family therapy, social
9 work, clinical social work, ~~and~~ mental health counseling, **and**
10 **alcohol and drug abuse counseling.**

11 (2) The renewal of licenses issued under this article.

12 (3) Standards for the administration of this article.

13 (4) Continuing education requirements for an individual seeking
14 renewal of licensure as a social worker, clinical social worker, ~~or~~
15 marriage and family therapist, **clinical alcohol and drug abuse**
16 **counselor, or alcohol and drug abuse counselor.**

17 (5) The retention of patient records and reports by a counselor.

18 (6) The approval of continuing education providers, programs,
19 courses, fees, and proof of course completion.

20 (b) The board shall establish fees under IC 25-1-8-2.

21 (c) The board shall do the following:

22 (1) Consider the qualifications of individuals who apply for a
23 license under this article.

24 (2) Provide for examinations required under this article.

25 (3) Renew licenses under this article.

26 (4) Conduct proceedings under IC 25-1-9.

27 SECTION 23. IC 25-23.6-2-10.6 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JANUARY 1, 2001]: **Sec. 10.6. (a) The alcohol and**
30 **drug abuse counselor section of the board is established. The**
31 **section consists of the following:**

32 (1) **Two (2) licensed clinical alcohol and drug abuse counselor**
33 **members of the board.**

34 (2) **Two (2) consumer members of the board.**

35 (3) **One (1) physician member of the board.**

36 (b) **Three (3) members of the alcohol and drug abuse counselor**
37 **section, two (2) of whom must be licensed clinical alcohol and drug**
38 **abuse counselors, constitute a quorum.**

39 SECTION 24. IC 25-23.6-2-11 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. The social
41 worker, marriage and family therapist, ~~and~~ mental health counselor,
42 **and alcohol and drug abuse counselor** sections of the board shall do
43 the following:

44 (1) Approve continuing education courses authorized under this
45 article.

46 (2) Propose rules to the board concerning the practice of the

profession regulated by each section.

(3) Other duties as directed by the board.

SECTION 25. IC 25-23.6-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 12. Alcohol and Drug Abuse Counselor Licensure

Sec. 1. The board shall, with the advice of the alcohol and drug abuse counselor section, establish standards for the practice of alcohol and drug abuse counseling, including privileges, penalties, and standards of competent practice within the field of alcohol and drug abuse counseling for individuals who are licensed as clinical alcohol and drug abuse counselors.

Sec. 2. Except as provided in section 6 of this chapter, to qualify for a clinical alcohol and drug abuse counselor license under this article, an individual must satisfy the following requirements:

(1) Complete an application for licensure in accordance with rules adopted by the board.

(2) Pay the fees established by the board.

(3) Not have been convicted of a crime that has a direct bearing on the individual's ability to practice competently as determined by the board.

(4) Not have had disciplinary action taken against the individual or the individual's license by the board or by a licensing agency of another state or jurisdiction on grounds that the individual was unable to safely practice alcohol and drug abuse counseling, when the grounds for discipline are still valid as determined by the board.

(5) Show to the satisfaction of the board that the individual has achieved the following:

(A) Received at least a master's degree in alcohol and drug abuse counseling, marriage and family therapy, pastoral counseling, social work, applied human development, psychology, or nursing from:

(i) an accredited institution of higher learning with degree programs acceptable to the board; or

(ii) an educational institution not located in the United States that has a program of study that meets the standards of the board.

(B) Completed course work during the individual's educational training at the master's level that includes instruction in at least the following content areas:

(i) Theoretical foundations of alcohol and drug abuse counseling.

(ii) Major models of alcohol and drug abuse.

(iii) Drug pharmacology.

(iv) Individual development.

(v) Family development and family relationships.

- (vi) Clinical problems.
- (vii) Collaboration with other disciplines.
- (viii) Sexuality.
- (ix) Gender and sexual orientation.
- (x) Ethnicity, race, socioeconomic status, and culture issues.
- (xi) Counseling techniques.
- (xii) Behavioral research.
- (xiii) Abnormal psychology or psychopathology.

(C) Passed nationally standardized written and oral examinations in alcohol and drug abuse counseling approved by the board.

(D) Submitted documentation of three (3) years (six thousand (6,000) hours) of supervised alcohol and drug abuse counseling experience in the five (5) years before the date of the application, including at least one (1) year in the area of alcohol abuse counseling or its equivalent and at least one (1) year in the area of drug abuse counseling or its equivalent.

(E) Submitted documentation of the completion of at least three hundred (300) hours of a supervised practicum in alcohol and drug abuse counseling approved by the board using the core functions of alcohol and drug abuse counseling.

(F) Submitted documentation of the completion of at least two hundred seventy (270) hours of formal training, including at least ninety (90) hours in each of the following areas:

- (i) Alcohol abuse.
- (ii) Drug abuse.
- (iii) Counseling.

Sec. 3. (a) An individual may not:

- (1) profess to be a licensed clinical alcohol and drug abuse counselor;
- (2) use the title:
 - (A) "licensed clinical alcohol and drug abuse counselor";
 - (B) "licensed alcohol and drug abuse counselor"; or
 - (C) "clinical alcohol and drug abuse counselor";
- (3) use any title containing the words "licensed clinical alcohol and drug abuse counselor" or "licensed alcohol and drug abuse counselor";
- (4) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed clinical alcohol and drug abuse counselor; or
- (5) practice as a licensed clinical alcohol and drug abuse counselor;

unless the individual is licensed under this article as a clinical

1 alcohol and drug abuse counselor.

2 (b) This chapter may not be construed to limit the alcohol and
3 drug abuse counseling services performed by an individual who
4 does not use a title specified in this chapter and who is one (1) of
5 the following:

6 (1) A physician licensed under IC 25-22.5.

7 (2) A nurse licensed under IC 25-23.

8 (3) A psychologist licensed under IC 25-33.

9 (4) A rabbi, priest, Christian Science practitioner, minister, or
10 other member of the clergy.

11 (5) An employee of or a volunteer for an organization
12 performing charitable, religious, or educational functions or
13 providing pastoral counseling or other assistance.

14 (6) A:

15 (A) marriage and family therapist;

16 (B) social worker; or

17 (C) mental health counselor;

18 who is licensed under this article.

19 (7) A government employee.

20 (8) A student, an intern, or a trainee pursuing a course of
21 study to gain licensure under this article in an accredited
22 institution of higher education or a training institution
23 approved by the board, or a graduate accumulating
24 experience required for licensure, if the services:

25 (A) are performed under qualified supervision; and

26 (B) constitute a part of the individual's supervised course
27 of study or other level of supervision.

28 (c) A licensed clinical alcohol and drug abuse counselor may
29 provide factual testimony but may not provide expert testimony.

30 (d) An individual who knowingly or intentionally violates this
31 section commits a Class A misdemeanor.

32 Sec. 4. (a) A license issued by the board is valid for the
33 remainder of the renewal period in effect on the date the license
34 was issued.

35 (b) An individual may renew a license by:

36 (1) paying the renewal fee on or before the license's expiration
37 date; and

38 (2) completing the continuing education requirements
39 established by the board under IC 25-23.6-2-8.

40 (c) If an individual fails to meet the requirements of subsection
41 (b), the individual's license becomes invalid.

42 Sec. 5. (a) The board may reinstate an expired license up to
43 three (3) years after the license's expiration date if the individual
44 holding the expired license:

45 (1) pays a penalty fee for late renewal;

46 (2) pays the renewal fee under section 4(b) of this chapter;
47 and

1 (3) completes the continuing education requirement.

2 (b) If more than three (3) years have elapsed since the date on
3 which an individual's license expired, the individual holding the
4 license may renew the license by satisfying the requirements for
5 renewal established by the board.

6 Sec. 6. An individual may, upon paying a fee established by the
7 board, be granted a license if the individual submits satisfactory
8 evidence to the board that the individual:

9 (1) has been authorized to practice alcohol and drug abuse
10 counseling in another state or country; and

11 (2) has met qualifications substantially equivalent to those
12 specified in this chapter for the license sought by the
13 individual.

14 Sec. 7. A licensed clinical alcohol and drug abuse counselor may
15 not practice:

16 (1) counseling for the purpose of recovering a memory; or

17 (2) hypnosis, unless the counselor is certified under
18 IC 25-20.5.

19 Sec. 8. Before providing alcohol and drug abuse counseling
20 services, a licensed clinical alcohol and drug abuse counselor must
21 disclose to the individual to whom alcohol and drug abuse
22 counseling services are provided the counselor's educational
23 background, including the following information:

24 (1) Whether the counselor has a degree in counseling or a
25 related field.

26 (2) The type of degree the counselor has and the institution of
27 higher education that issued the degree.

28 Sec. 9. (a) A licensed clinical alcohol and drug abuse counselor
29 may not offer to render or actually render services that are beyond
30 the scope of practice for licensed clinical alcohol and drug abuse
31 counselors, as established by the board under section 1 of this
32 chapter.

33 (b) A licensed clinical alcohol and drug abuse counselor who
34 engages in the practice of alcohol and drug abuse counseling shall
35 refer or otherwise assist a client in obtaining professional help for
36 all relevant aspects of the client's problem that fall outside the
37 boundaries of the licensed clinical alcohol and drug abuse
38 counselor's own competence."

39 Page 4, between lines 35 and 36, begin a new paragraph and insert:

40 "SECTION 27. [EFFECTIVE JULY 1, 2000] (a) The definitions in
41 IC 25-23.6-1 apply to this SECTION.

42 (b) Notwithstanding IC 25-23.6-12, as added by this act, the
43 board established under IC 25-23.6-2-1, as amended by this act,
44 may license an individual as a clinical alcohol and drug abuse
45 counselor if the individual satisfies one (1) or more of the
46 following:

47 (1) The individual has demonstrated competency in the field

1 of alcohol and drug abuse counseling as determined by the
 2 alcohol and drug abuse counselor section of the board and has
 3 achieved one (1) or more of the following:

4 (A) Completed two thousand (2,000) hours of supervised
 5 alcohol and drug abuse counseling, including at least
 6 fifteen (15) hours in each of the core functions of alcohol
 7 and drug abuse counseling.

8 (B) Completed two thousand (2,000) hours of voluntary
 9 services in alcohol and drug abuse counseling, including at
 10 least fifteen (15) hours in each of the core functions of
 11 alcohol and drug abuse counseling.

12 (C) Completed ninety (90) hours of addiction specific
 13 education.

14 (D) Passed the case presentation examination.

15 (E) Passed nationally standardized written and oral
 16 examinations in alcohol and drug abuse counseling
 17 approved by the board.

18 (2) The individual has achieved the following:

19 (A) Received at least a bachelor's degree in alcohol and
 20 drug abuse counseling, social work, applied human
 21 development, psychology, nursing, or another degree
 22 program acceptable to the board from an:

23 (i) institution of higher learning with degree programs
 24 acceptable to the board; or

25 (ii) educational institution not located in the United
 26 States that has a program of study that meets the
 27 standards of the board.

28 (B) Completed at least three (3) years of experience in
 29 alcohol and drug abuse counseling.

30 (C) Completed a practicum approved by the alcohol and
 31 drug abuse counselor section of the board consisting of at
 32 least three hundred (300) hours of alcohol and drug abuse
 33 counseling.

34 (D) Passed:

35 (i) the case presentation examination; or

36 (ii) the nationally standardized written and oral
 37 examinations in alcohol and drug abuse counseling
 38 approved by the board.

39 (c) This SECTION expires July 1, 2002.

40 SECTION 28. [EFFECTIVE JULY 1, 2000] (a) As used in this
 41 SECTION, "board" means the social worker, marriage and family
 42 therapist, mental health counselor, and alcohol and drug abuse
 43 counselor board established by IC 25-23.6-2-1, as amended by this
 44 act.

45 (b) Notwithstanding IC 25-23.6-2-2, as amended by this act, the
 46 governor shall appoint the initial clinical alcohol and drug abuse
 47 counselor members of the board before September 1, 2000, for

- 1 terms expiring as follows:
- 2 (1) One (1) clinical alcohol and drug abuse counselor member
- 3 for a term expiring June 30, 2002.
- 4 (2) One (1) clinical alcohol and drug abuse counselor member
- 5 for a term expiring June 30, 2003.
- 6 (c) Not more than six (6) members of the board may be from the
- 7 same political party.
- 8 (d) This SECTION expires July 1, 2003.
- 9 SECTION 29. [EFFECTIVE UPON PASSAGE] (a) As used in this
- 10 SECTION, "commission" refers to the health finance commission
- 11 established by IC 2-5-23-3.
- 12 (b) The commission shall do the following:
- 13 (1) Study issues related to the licensure of clinical alcohol and
- 14 drug abuse counselors in Indiana.
- 15 (2) Study the establishment of a licensure program for
- 16 bachelor's level alcohol and drug abuse counselors to engage
- 17 in the limited practice of alcohol and drug abuse counseling
- 18 under the direct supervision of licensed clinical alcohol and
- 19 drug abuse counselors.
- 20 (3) Make recommendations on legislative or administrative
- 21 actions, if any, that the commission considers necessary to
- 22 address the commission's findings.
- 23 (c) The commission shall prepare a final report of its findings
- 24 and recommendations. A majority of the members of the
- 25 commission must approve and sign the report.
- 26 (d) The commission shall submit the report required under
- 27 subsection (c) to the legislative council before November 1, 2000.
- 28 (e) This SECTION expires December 31, 2000."
- 29 Renumber all SECTIONS consecutively.
- (Reference is to ESB 178 as printed February 18, 2000.)

Representative Klinker